

**Frank Starts Prison
Work;
Noisy Crowd at
Governor's
Home Dispersed by
Militia**

**Solicitor General Hugh Dorsey
Issues Statement**

**in Which He Says That He
Believed That Sla-**

**ton Was Disqualified to Pass
Upon the Case**

**and Declares He Cannot Find in
His State-**

**ment Single Reason Why
Sentence Should**

Have Been Commuted.

**“I DID MY DUTY,” STATES THE
GOVERNOR;**

**“INNOCENCE WILL BE
PROVED”—FRANK**

**Major I. T. Catron and Lieutenant
Arnold Par-**

**ker Injured by Missiles Thrown
by Members**

**of the Crowd at the Governor’s
Home—Many**

Arrests Made by Police During the Day—Sla- ton Hanged in Effigy in Two Cities Monday.

Atlanta passed one of the most exciting days in her history Monday following the exclusive announcement in *The Constitution* that the sentence of Leo M. Frank had been commuted by Governor John M. Slaton. Some of the most important developments of the day and night follow:

Crowd estimated at 1,200 people marched last night to home of Governor John M. Slaton, near Buckhead, creating considerable disturbance on the way. They were met by Battalion of the Fifth Regiment, which very quickly dispersed the crowd.

During the night Lieutenant Arnold Parker was injured by brick; Major I. T. Catron was struck by bottle; one member of crowd was hit over head with automatic, and several prisoners taken. Many arrests were made by Police during the day.

Mass meeting held Monday afternoon in Senate Chamber. Sheriff Mangum makes address, telling of his trip with Frank to Prison Farm.

Frank arrives in Milledgeville and gives out Statement, in which he expresses his thanks to Governor and asserts his innocence will eventually be proved.

Solicitor Dorsey gives out Statement, in which he scores action of Governor in Commuting Sentence.

Governor Slaton gives out Statement, in which he analyzes the Case and tells why he commuted Frank's Sentence. "I am confident I did right," he says.

Governor Slaton and Frank burned in effigy in Newnan; Governor hanged in effigy in Marietta and Woodstock; Valdosta starts Fund for a monument to Mary Phagan.

Developments came thick and fast yesterday following the departure of Leo M. Frank to Milledgeville to begin serving a life Sentence there.

The Prisoner left Atlanta, accompanied by Sheriff Mangum and a number of Deputies, at 12:01 o'Clock. The party reached Macon shortly before 3 o'Clock, there, secured an automobile and by 5 o'Clock Frank was an inmate of the State Prison Farm at Milledgeville.

Shortly after being admitted reporters were permitted to see him.

His appearance spoke clearly the tremendous strain through which he had gone. Upon being asked whether he had anything to say, he said in clear and composed language: "I am grateful beyond words to the Governor for the way he has disposed of the Case. I felt confident all the while that it would turn out as it has. Somehow, I just felt confident that I would not hang. Of course, I am unsettled, as you see, from the tremendous nerve-racking experience through which I have been drawn, especially during the last trying hours of this ordeal. No person can know what I have gone through.

Believes Innocence Will Be Proved.

"And I am not composed enough at this time to give you an intelligent and connected conversation. Just say that I feel more

than I can express in words, and am happy that my life is saved. Time will prove, as I have often told you, the fact of my absolute innocence of the murder with which I am charged.”

“I felt in my heart all the time a secret assurance that I should not hang.” And with a firm look directly in the face of his interviewer, he paused briefly and added, “I am innocent.”

“I had begun to think I wouldn’t get to see this place,” was the significant remark made by Frank to Warden Smith, just after his arrival with Sheriff Mangum at 4:55 o’Clock.

Both Frank and the Sheriff appeared very nervous when they reached the Prison, and the Sheriff heaved a sigh of relief as he delivered his charge to the Penitentiary Officials. The strain of the trip down from Atlanta had told on both. The Sheriff remained here but a few minutes, returning to Macon in the automobile in which he had made the hurried trip out.

Frank was first registered and then dressed in his suit of stripes, after which he was taken to the Bunkroom of the main building for a bit of rest before being given his Breakfast. Strict orders were issued to permit no one to see him, except on Specific Orders from the Prison Commission in Atlanta. Also, Superintendent J. M. Burke and Warden Smith were instructed by the Prison Commission to immediately double the force of Guards at the Prison.

DORSEY’S STATEMENT.

Averring that he considered Governor John M. Slaton disqualified to pass upon the Leo M. Frank Case, Solicitor Hugh M. Dorsey, who prosecuted the Prisoner, Monday afternoon issued a

Statement denouncing the bestowal of Clemency and explaining why he had gone before the Governor to oppose the Frank Plea for Commutation:

The Statement, in full, is as follows:

“The action of Governor Slaton nullifying the Judgments of the State and Federal Courts and overriding the recommendation of the State Board of Pardons was as surprising to me as it was unprecedented.”

“No Defendant within my Recollection has had the benefit of more Appeals to the Judicial Processes, State and Federal, than Leo Frank. His guilt was conclusively established beyond a reasonable doubt to the satisfaction of an impartial Jury to the Satisfaction of an impartial Jury of twelve reputable Georgians and their verdict was approved by the trial Judge and affirmed by the Supreme Court of Georgia. Repeated efforts to have the Judgment State Supreme Court, the United States District Court and the Supreme Court of the United States.”

“With the unbroken Record of all available Courts declaring Frank guilty of the heinous Crime with which he was charged, the influential friends of Frank appealed to the State Board of Pardons elected by the people to pass on Applications for Pardons and Commutations to be considered by the Chief Executive of the State, and the Pardon Board sustained the Records of the Courts of Justice and declined to recommend the Application for a Commutation.”

Satisfied of Verdict.

“I did not appear before the Pardon Board because I felt confident that, with the evidence and the Court Records before them, there would be no interference with the Course of Justice. When their Decision refusing to recommend Commutation was

transmitted, I felt it to be my duty to plead for the enforcement of the law by the Chief Executive because I knew the force of the influences at work to upset the Judgments of the Courts and of the Pardon Board.”

“I knew that the senior member of Governor Slaton’s Law Firm, Rosser., Slaton & Phillips, was the leading Counsel for Frank, not only throughout

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his trial, but in prosecuting the original and Extraordinary Motion for new trial, and I knew it would be difficult for the Governor to escape the subconscious effect of his environment.

“The Constitution of Georgia, commands the impartial and complete Administration of our Laws, and imposes this command upon the Solicitor General of each Circuit, as well as upon the Governor of the State.”

“My feeling that the Governor was disqualified, at least to an extent, by his environment and affiliations, from viewing the Records in this Case impartially, prompted me to appear before him in person to urge the enforcement of the Law.”

“Not one of the Grand Jurors who found the true Bill against Frank and not one of the Jurors who convicted him joined in the Petition for Clemency, which was granted over the protest of the Prosecuting Attorneys and over the adverse recommendation of the State Board of Pardons.”

“I cannot find in the Record of the Frank Case, or in the Governor’s lengthy Statement of attempted justification, one Reason why the Governor should have departed from his declared

policy and interfere with the Judgments of the Courts in this Case.”

MARCH TO GOVERNOR’S.

About 8 o’Clock several thousand people gathered on the sidewalks between the City Hall and Five Points. At 8:30 o’Clock, they began to move northward, with Governor Slaton’s Country place, near Buckhead, as their Objective.

At Peachtree and Ellis Streets, a Squad of City Police was mobilized to stop them, but the crowd surged past.

The crowd, now numbering over 1,200, continued out to Peachtree Street to Porter Place, where they divided, and part went to Peachtree Street, while the remainder proceeded out West Peachtree.

At Fourth Street, on Peachtree, the Peachtree Street crowd was met by another Squad of Police, and some were turned back, but the majority of them got by the Police again.

At Brookwood, the West Peachtree Street and the Peachtree Street contingents again met.

At Brookwood Bridge Chief of Police Beavers, in Command of about Forty Policemen, met the crowd. A number of arrests were made here, and hundreds of the crowd were turned back. Several hundred, however, succeeded in getting by the Police again and proceeded on foot out Peachtree Road.

County Police on Guard.

At the Governor's Residence a formidable body of County Police had been stationed, under Chief of County Police George Matheson; in anticipation of the crowd. When those on foot arrived, they found a crowd already there, having come by automobile.

Sheriff Mangum was also there with a Squad of Deputies and a Force of Deputized Citizens, in charge of W. Woods White.

The County Police and the Deputies arrayed themselves behind barbed wire entanglements just inside the Governor's Property while the crowd gathered in the Road outside. Sheriff Mangum asked the crowd to be orderly and to disperse. He was met, however, with shouting and threats.

In the meantime, the entire Fifth Regiment had been mobilized at the Armory. A hurried call was sent in for Troops, and a Battalion, under Command of Major I.T. Catron, was dispatched in automobiles. Upon arrival at the Governor's Residence, the militia deployed along the Road with fixed bayonets and pushed the crowd back towards the City.

The governor declared martial law within a radius of a half mile of his house.

The crowd was gradually dispersed, but this was not accomplished until several men and Officers of the Militia had been wounded by stones, bottles and other missiles from the crowd. The militiamen, too, were forced a number of times to use the butts of their guns to force the crowd back.

Two Soldiers Hurt.

Among those who were hurt were Major Catron, cut upon the wrist with a broken bottle; Lieutenant Arnold Parker, struck in the stomach with a brick, and, perhaps, internally injured; W.W.

Foote, a Private, cut by a broken bottle; Clyde Burroughs, a Civilian, struck with the butt of an automatic revolver; a man named McDonald, with an abrasion on the head.

Preston Moon, of Greenville, S.C., and Dick Copeland, of Buckhead, were made Prisoners.

After the crowd in front of the Governor's Residence was either dispersed or quieted, it was reported to Major Catron that 200 men from Marietta were approaching from the rear, down Pace's Ferry Road.

A Company was stationed to the North of the premises on Peachtree Road, another to the South of the premises on Peachtree Road, and a third company was stationed to the rear of the property in the neighborhood of Pace's Ferry Road. Meanwhile the remaining company was divided into posts and stationed around the house.

General Nash Arrives.

Shortly after midnight Adjutant General J. Van Holt Nash arrived at the Governor's Residence and took Personal Command.

Another Battalion was ordered out from the Armory and proceeded on Street Cars. The Governor's Horse Guards, under Major J. O. Seamans, also reported at the Governor's Residence and helped in dispersing the crowds.

Governor Slaton issued a Statement during the day in which he asked the people to suspend Judgment until they had read his Decision on the Case. He declared he was confident that he had done the right thing, and that he had only considered his duty in this Case.

Eaters Hardware Store.

The crowd on the way out broke into the Branch Store of the King Hardware Store on Peachtree Street, at Tenth, presumably in search of arms and ammunition. Bricks and building material were picked up by the crowd from houses in course of Construction along the way.

An incident at the Governor's Residence before the arrival of the Militia was the discovery by County Policeman Haney of a man within 100 yards of the House with a revolver. He had slipped through the Cordon of Police. He was quickly overpowered, disarmed and placed under arrest.

Governor Slaton stated last night that, according to Reports made to him by the County Police, a large portion of the Crowd was made up of boys between the ages of 12 and 18 years and that the older Element are not Representative of the people of Georgia.

In the Governor's Residence with him last night were Colonel W. L. Peel, Jesse Perry, the Governor's Private Secretary; H.A. Alexander, Attorney for Frank; R.L. Cooney and Ashley Jones of the New York Life Insurance Company; A.L. Waldo, Attorney Robert Jones, Albon Jones and William James Slaton, nephews of the Governor.

NUMEROUS DEVELOPMENTS.

Numerous Developments followed Frank's Secret removal from the Tower to the State Prison in Milledgeville at midnight Sunday. Governor Slaton delivered through the Press to the public a voluminous explanation of his act of Commutation, which is carried elsewhere in full.

The Governor gave out his Statement at his Country home near Buckhead, on the Peachtree Road. He did not come to his Office throughout the day, although scheduled to appear there between 9 and 10 o'Clock Monday morning to give his Statement to the Newspaper men.

Considerable excitement prevailed throughout the City from early dawn Monday, at which time *The Constitution* brought first news of the Commutation, until last night, when the tension subsided. Large assemblages gathered in various parts of the Downtown District and upon the Capitol Grounds.

Invade Governor's Office.

Among the incidents that arose during the day was the invasion of a crowd of men into the Office of Governor Slaton, where they asked of his Secretary, Jesse Perry, that they be admitted to the Office of the Chief Executive and be allowed to talk with him relative to the Case. The Secretary threw open the doors, revealing the absence of the Governor.

This occurred during the morning. In the afternoon, a gathering of about 1,000 collected upon the Streets adjoining the City Hall. Speeches were made by Citizens picked from the Crowd.

Beavers was sternly admonishing the plain clothes man, when Bozeman suddenly drew back his fist and struck the Chief in the Face. Beavers clutched him in the collar, ripped off his badge, disarmed him and bundled him into a nearby patrol wagon, which had been kept with Engine going at the curbstone at Marietta and Forsyth Streets for any Emergency that might arise.

A great number of arrests were made during the day. The slightest disorder merited a trip to Police Headquarters. Patrol wagons were kept working overtime. More arrests were made in

the vicinity of the City Hall than any other spot. But a few occurred on the Capitol Grounds.

Calls for Men.

At 1 o’Clock in the afternoon the crowd that had gathered upon the Capitol Lawn suddenly grouped around a speaker who had arisen upon the steps—a gray-haired man, thin and gaunt of frame, who plainly showed his sixty or more years.

“Who’ll follow me?” he cried.

He led the way into the Capitol and up the steps to the second floor, where the men packed the Senate Chamber. A number of Speeches were made, disapproving of the Commutation. Sheriff Mangum, who had but shortly returned from his trip to Milledgeville, appeared in the crowd and took the Rostrum.

He explained that Frank was in Milledgeville and not in Atlanta. He gave details of the trip, and declared that it was at the Order of the Governor, whose dictates he had been sworn to uphold. His address was Brief. Afterward, he quit the Audience, returning to the Jail, where he took a rest.

Regarding the situation in Atlanta, Mayor James G. Woodward wired the following message to *The New York World* on Monday afternoon in reply to a query received from that paper:

“The sentiment of Atlanta is divided. The larger part of the population believes Frank guilty and that Commutation was a mistake. Mass meetings condemning the Governor have been held, but there has been no violence.”

(Signed)

“JAMES G. WOODWARD,”

“Mayor.”

The Police kept the situation competently in hand. Re-enforced mounted squads patrolled the Streets. Plainclothesmen mixed and mingled with the crowds. At no time did violence seem imminent.

MANY

ARRESTED.

Many arrests were made last night at Marietta Street and Forsyth—the City Hall corner—where the huge gathering began to collect shortly after Supper. Chief Beavers was in charge of a squad of fifty or more mounted Policemen and Patrolmen, who effectively managed to keep the traffic cleared and to keep the crowd in a scattered state.

News from Milledgeville late last night had it that the town was serene and there was no evidence of trouble. Frank retired early on account of the sleep he had lost on the Journey the previous night. He will start today, upon his first work as a lifer on the State Farm. He will be given light tasks in the Farm work until he recovers the strength lost by his two years' confinement.

Passengers reaching Atlanta last night reported excitement in Woodstock and Marietta and adjoining towns. In Woodstock and Marietta, Governor Slaton had been hung in effigy.

LEAVES

CELL.

The Sentence of Leo M. Frank, condemned to die for the murder of Mary Phagan on Memorial Day two years ago, was commuted late Sunday night by Governor John M. Slaton to life imprisonment.

The Prisoner was taken out of the Jail, under Guard of Sheriff Mangum and a number of his Deputies, and carried to the Terminal Station. He was placed on Central of Georgia train No. 8, which left at 12:01 o'Clock Monday morning for Milledgeville. The utmost secrecy was observed in taking the Prisoner from the Jail to the Railroad Station. Nothing was known of the move, until the alert *Constitution* Reporter at the Terminal Station discovered that the attempt was being made to secretly take Frank to the Prison Farm at Milledgeville. The Constitution was on the Streets with the first story before 2 o'Clock in the morning.

Kept News From Frank.

Frank himself did not know that he was to live until just a few minutes before he was taken from the Tower in Atlanta. He had spent his quietest Sunday in the Tower. Usually on Sundays, he had received long visits from Relatives and friends, but on Sunday his confinement was practically solitary.

Shortly after 10 p.m. Sheriff Mangum entered the cell and told him to prepare to leave the Tower, in which he had been confined for more than two years. The words of the Sheriff, which meant the life for which he had longed, and for which his friends have struggled so earnestly, were received in the same manner that Frank has received the news of each movement in his fight against the gallows.

Out of the Side Door of Jail.

Whether the tidings were as dark as Death to his cause or whether they were lighted with the brightest Ray of Hope, Frank

has always been calm, cool, and reasoning, when they were brought to him. And so, he was on Sunday night. The Commutation Order of the Governor meant to him everything in the world, but he never allowed his emotions to overcome his power of reasoning.

The utmost secrecy was preserved at the Tower throughout the day. Even before Frank was notified of the Governor's action. Sheriff Mangum had issued an Order closing the Tower to everyone. Even Telephonic Communication with the Jail was stopped.

When Frank had prepared himself for the Journey, Sheriff Mangum and a number of Deputies assembled on the lower floor of the Prison and Frank was brought to them by a Jailer. An automobile was waiting near the side entrance. While Reporters, who had been watching the Tower all day, were keeping their vigil at the front of the Prison; the little party went out the side door and entered the car. They were whirled away to the Terminal Station.

Wife Was in Ignorance.

Not even his Attorneys, nor his wife, were aware that his Sentence had been commuted. Attaches of the Terminal Station could hardly believe their eyes when they beheld the nation's most famous Prisoner stride into the Waiting Room between a Guard of six deputies, a transfer Guard and Sheriff Mangum.

Frank had been slipped out of the Tower while a Group of Reporters were waiting for him. He was lowered into the Basement of the Building and carried to the rear of the Jail through a Subterranean Passage that opened into a Maze of Alleyways.

So cautious were Officials in carrying out their Program that Frank, himself, was dazed when he heard the announcement at 10:30 o'Clock that he was to go to Milledgeville at midnight. The news was brought by Sheriff Mangum, who ordered the Prisoner to prepare for the trip.

Frank was given a rear seat in the Train, which was a local and stopped repeatedly on the Route. He sat beside Sheriff Mangum. Guard Patterson and the Deputies were congregated nearby. The news was brought by Sheriff Mangum, who ordered the Prisoner to prepare for the trip.

Frank was given a rear seat in the Train, which was a local and stopped repeatedly on the Route. He sat beside Sheriff Mangum. Guard Patterson and the Deputies were congregated nearby. The trip was made mostly in silence. Hardly a passenger on the Train was aware that the most talked of Prisoner in America was a fellow traveler.

Frank Takes Auto.

At Macon, when the Train rolled into Station, it was found that the Party would have to wait until 5 o'Clock for connections to Milledgeville. A group of Taxi-Cabs stood at the stand beyond the Station building. It was decided to make the remainder of the trip—twenty-six miles—by machine. Frank selected his own automobile.

A squad of Newspaper Reporters, ordered to meet the Train by Atlanta and Macon Newspapers, volleyed question after question to Sheriff and his Captive. Frank was reticent. Sheriff Mangum ventured the information that Frank had been commuted, but would say nothing else. The machine traveled to the outskirts, where a Supply of Gasoline was obtained at an All-Night Garage.

With a trail of newspaper automobiles following in its wake, the car bearing Frank arrived at Milledgeville between 4:30 and 5 o’Clock, just as the sun of a new day was streaking the skies with purple. Necessary documents were signed by the Sheriff, the Prisoner was turned over to the Prison Authorities—Leo M. Frank became Convict No. 965—and the Sheriff and his bodyguard returned in the same automobile in which they had come.

HISTORY OF FIGHT.

Monday’s events wrote the final chapters to the two years of Judicial fight for the life of Leo. He has obtained a compromise. The Courts of the land have decreed that he shall, for the remainder of his life, stride through the Corridors of the State Prison as No. 965 in stripes.

Never in the history of Georgia Courts—even those of entire Dixieland—has a Case attracted more widespread attention. From Canada to the Rio Grande and from the Pacific to Atlantic, it commanded an unprecedented interest. In the interest of the condemned man, persons came from all parts of the Country, and from every nook of the Continent came messages pleading for Executive Mercy.

The fight for Frank’s life continued without cessation for two years, during all of which time he remained in the County Jail, a quiet, Stoical Prisoner, speaking to the public only occasionally, and then through written Statements which he issued to the Newspapers. Every Judicial Source to which he appealed turned him down until he had come to the Governor, his last resort, when, on the very eve of the day marked for his doom, he was given a life Sentence.

MONUMENT FOR VICTIM.

Valdosta, Ga., June 21.—(Special.)—Citizens of Valdosta today began a Petition with the following purpose in view:

“We, the undersigned Citizens of the State of Georgia, hereby Subscribe one dollar each towards a Fund of one thousand dollars for the purpose of erecting a Monument suitably taking care of the burial place of ‘Little Mary Phagan,’ who lost her life in the Defense of her Virtue.” Contributions are solicited from all Georgians. Charles W. Barnes has been appointed to handle Funds.

OPPOSE COMMUTATION.

Waycross, Ga., June 21.—(Special.) Replying to an inquiry from *The New York World* today asking for his opinion of sentiment in Waycross on Governor Slaton’s Commutation of Leo Frank’s Sentence, Mayor Scott T. Beaton tonight answered as follows: “The people here generally feel that Governor should have refused Commutation, inasmuch as all the Courts had decided against Frank and the State Pardoning Board refused to recommend same. A great many good, conservative people, however, feel that Slaton acted wisely.”

Slaton Condemned.

Canton, Ga., June 21.—(Special.)—There was considerable excitement at this place today when it became known that Governor Slaton had commuted the sentence of Leo M. Frank to

life imprisonment. There was universal condemnation of the Governor's Act. At least 90 percent of the people of this County believe Leo Frank guilty and they felt like the Law, as interpreted by the lower Courts and affirmed by the higher Courts, should have been allowed to take its courses.

BURN SLATON IN EFFIGY.

Newnan, Ga., June 21.—(Special.)—The effigies of Leo M. Frank and Governor John M. Slaton were hung to a Giant Oak in the park at the Union Station here tonight and set on fire, after which they were dragged blazing through the Principal Streets of Newnan, accompanied by about fifty automobiles. Later the charred effigies were hung to an enormous Chautauqua sign at the Courthouse Square. The effigies swung there until almost midnight when they were cut down.

The effigies were prepared in the afternoon from Clothing Store Dummies, Artificial Limbs and such material. Early in the night they were hung to an Oak Tree in the park, just a few blocks from the Center of Town. Some ten or fifteen gallons of kerosene and gasoline were poured upon them, and fire was set to them.

The Fire Department was called out. In the presence of about 1,000 people, the Fire Department made ready to extinguish the flames, but before this could be done the effigies were cut down and attached to the back of an automobile by lines long enough to allow the blazing effigies to drag along the ground. They were thus dragged through the town and later hung up.

Feeling ran at a high tension here, until midnight. No one was hurt and there was no property damage.

Guards Are Increased.

Milledgeville, Ga., June 22.—Although Officers at the State Farm here would not discuss the matter, it was learned from reliable Sources here tonight that the number of Guards on duty there has been increased since Leo M. Frank's arrival. It also was ascertained that there has been no request made for State Troops.

There was no disturbance at the Prison tonight. Warden Smith stated that Frank would be assigned to work tomorrow, probably in the cotton or corn fields.

The blood of a man weighs about 20 pounds.

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WHOLE FRANK CASE REVIEWED IN SLATON'S STATEMENT

COULD NOT BELIEVE

CONLEY'S EVIDENCE

Declares It Was So
Con-

flicting It Was of
No

Value—Says His
Action

Is Justified by the Rec- ords, by New Evidence, and Judge Roan's State- ment.

A Statement explaining his action in commuting the Sentence of Leo M. Frank was given to the Newspapers by Governor John M. Slaton yesterday at noon. The Statement was issued from his Country home on Peachtree Road, where he spent the entire day Monday.

Governor Slaton points out chiefly that he could not be brought to believe the conflicting stories of the Negro Jim Conley.

He states that he believes his action to be Patriotic, Judicial, and in accord with the best interests of the State of Georgia, and that the thinking people of the State support him.

Executive Office, June 21, 1915.

In Re Leo M. Frank, Fulton Superior Court. Sentenced to be executed June 22, 1915.

Saturday, April 26, 1913, was Memorial Day in Georgia and a General Holiday. At that time, Mary Phagan, a white girl, of about 14 years of age, was in the employ of the National Pencil Company, located near the corner of Forsyth and Hunter Streets, in the City of Atlanta. She came to the Pencil Factory a little after noon to obtain the money due her for her work on the preceding Monday, and Leo M. Frank, the Defendant, paid her \$1.20, the amount due her, and this was the last time she was seen alive.

Frank was tried for the Offense and found guilty the succeeding August. Application is now made to me for Clemency.

This Case has been the subject of extensive comments through the Newspapers of the United States and the occasioned the transmission of over 100,000 letters from various States requesting Clemency. Many Communications have been received from Citizens of this State advocating or opposing interference with the Sentence of the Court.

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from Citizens of this State advocating or opposing interference with the Sentence of the Court.

I desire to say in this connection that the people of the State of Georgia desire the esteem and goodwill of the people of every State in the Union. Every citizen wishes the approbation of his fellows and his State or Nation is not accepted. In the preamble to the Declaration of Independence, Thomas Jefferson wrote that "When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature, and of nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the Separation."

Georgia Attacked.

Many Newspapers and multitudes of people have attacked the State of Georgia because of the conviction of Leo M. Frank, and have declared the conviction to have been through the domination of a mob and with no evidence to support the verdict. This opinion has been formed to a great extent by those who have not read the evidence and who are unacquainted with the Judicial Procedure in our State.

I have been unable to even open a large proportion of the letters sent me, because of their number and because I could not through them gain any assistance in determining my duty.

The murder committed was the most heinous one. A young girl was strangled to Death by a Cord tied around her throat and the offender deserves the Punishment of Death. The only question is as to the identity of the Criminal.

The responsibility is upon the people of Georgia to protect the lives of her Citizens and to maintain the dignity of her Laws, and if the choice must be made between the approbation of Citizens of other States and the enforcement of our Laws against Offenders, whether powerful or weak, we must choose the latter alternative.

Alleged Mob Spirit.

It is charged that the Cour and Jury were terrorized by a mob and the Jury were coerced into their verdict.

I expect to present the Facts in this Case with absolute fairness and to state conditions with regard only to the truth.

When Frank was indicted and the air was filled with rumors as to the murder and mutilation of the dead girl, there was intense feeling and to such extent that my Predecessor, Governor Brown stated in Argument before me that he had the military ready to protect the Defendant in the event any attack was made. No such attack was made, and from the evidence that he obtained, none was contemplated.

Some weeks after this, Defendant was put on trial. Georgia probably has the broadest Provisions for change of venue in Criminal Cases that exist in any State. Our Law permits the Judge to change the venue on his own motion, in the event he thinks a fair trial cannot be given in any County. The Defendant can move for a change of venue on the same ground, and, if it be refused, the refusal of the Judge is subject to an immediate Appeal to the Supreme Court, and, in fact, the entire genius of our Law demands a fair trial, absolutely free from external influence.

Frank went to trial without asking a change of venue and submitted his Case to a Jury that was acceptable to him. He was

ably represented by Counsel of conspicuous ability and experience.

During the progress of the Case, after evidence had been introduced laying the Crime with many offensive details upon Frank, the feeling against him became intense. He was the General Superintendent of the Factory and Mary Phagan was a poor, working girl. He was a Cornell Graduate, and she dependent, for her livelihood upon her labor. According to a Witness, whose testimony will subsequently be related more completely, when this girl came to get her small pay, since she only worked one day in the week, because of lack of material, this General Superintendent solicited her to yield to his importunities and on her refusal slew her.

The Relation of these Facts anywhere and in any Community would excite unbounded condemnation.

If the audience in the Courtroom manifested their deep resentment toward Frank, it was largely by this evidence of feeling beyond the power of a Court to correct. It would be difficult anywhere for an Appellate Court, or even a trial Court, to grant a new trial in a Case which occupied thirty days, because the audience in the Courtroom, upon a few occasions, indicated their sympathies. However, the deep feeling against Frank, which developed in progress of the evidence was in the atmosphere and regardless of the Commission of those acts of which the Court would take cognizance, the feeling of the public was strong.

Called for Sheriff.

Since Governor Brown has related secret history in his public Argument before me, I may state that Friday night before the verdict was expected Saturday, I had the Sheriff to call at the mansion and inquire whether he anticipated trouble. This was

after many people had told me of possible danger and an Editor of a leading newspaper indicated his anticipation of trouble. The Sheriff stated he thought his Deputies could avert any difficulty. Judge Roan telephoned me to say that he had arranged for the Defendant to be absent when the verdict was rendered. Like Governor Brown, I entered into communication with the Colonel of the Fifth Regiment, who stated he would be ready if there were a necessity.

I was leaving on Saturday, the day the verdict was expected, for Colorado Springs to attend the Congress of Governors, and did not wish to be absent if my presence was necessary. I have now the original Order prepared by me at the time, in the event there was a necessity for it. I became convinced there would be slight chance for any use of force, and therefore filled my engagement in Colorado.

Judge Roan, in the Exercise of Precaution, requested that Counsel and Defendant be absent when the verdict was rendered, in order to avoid any possible demonstration in the event of acquittal.

The Jury found the Defendant guilty, and with Exception of Demonstration outside the Courtroom, there was no disorder.

Hence, it will be seen that nothing was done which the Courts of any State could correct through legal machinery. A Court must have something more than an atmosphere with which to deal, and especially when that atmosphere has been created through the evidence in disclosing a horrible Crime.

Our Supreme Court, after carefully considering the evidence as to demonstrations made by spectators, declaim without merit, and in this regard the orderly Process of our tribunals is not subject to criticism.

The charge against the State of Georgia of Racial Prejudice is unfair. A conspicuous Jewish family in Georgia is descended from one of the original Colonial families of the State. Jews have been Presidents of our Boards of Education, Principals of our schools, mayors of our Cities and conspicuous in all our Commercial Enterprises.

The Facts in the Case

Many Newspapers and non-Residents have declared that Frank was convicted without any evidence to sustain the verdict. In large measure, those giving expression to this utterance have not read the evidence and are not acquainted with the Facts. The same may be said regarding many of those who are demanding his Execution.

In my Judgment, no one has a right to an opinion who is not acquainted with the evidence in the Case, and it must be conceded that the Jury who saw the Witnesses and beheld their demeanor upon the Stand are in the best position as a General Rule to reach the Truth.

I cannot, within the short time given me to decide the Case, enter into the details outlined in thousands of pages of testimony. I will present the more salient Features, and have a right to ask that all persons, who are interested in the determination of the matter, shall read calmly and dispassionately the Facts.

The State proved that Leo M. Frank, and General Superintendent of the Factory, was in his Office a little after 12 o'Clock on the 26th day of April, 1913, and he is admitted having paid Mary Phagan, \$1.20, being the wages due her for one day's work. She asked Frank whether the metal had come, in order to know when she could return for work. Frank admits this, and so far as is known, he was the last one who saw her alive. At 3

o'Clock the next morning (Sunday) Newt Lee, the Night Watchman, found in the Basement the body of Mary Phagan, strangled to Death by a cord of a kind kept generally in the Metal Room, which is on Frank's floor. She had a cloth tied around her head which was torn from her underskirt. Her drawers were either ripped or cut and some blood and urine were upon them. Her eye was very black, indicating a blow, and there was a cut 2 ½ inches in length about four inches above the ear and to the left thereof, which extended through the scalp to the skull. The County Physician, who examined her on Sunday morning, declared there was no violence to the parts and the blood was characteristic of menstrual flow. There were no external signs of rape. The body was not mutilated, the wounds thereon being on the head and scratches on the elbow, and a wound about two inches below the knee.

The State showed that Mary Phagan had eaten her dinner, of bread and cabbage at 11:30 o'Clock and had caught the car to go to the Pencil Factory, which would enable her to arrive at the Factory, within the neighborhood of about 30 minutes. The element of exact time will be discussed later.

Dr. Harris' Testimony.

Dr. Harris, the Secretary of the state board of health, and an Expert in this line, examined the Contents of Mary Phagan's stomach ten days after her burial and found from the State of the digestion of the cabbage and bread that she must have been killed within about 30 minutes after she had eaten the meal.

Newt Lee, the Negro Night Watchman, testified that Frank had "told me to be back at the Factory at 4 o'Clock Saturday afternoon," and when he "came upstairs to Report, Frank rubbing his hands," met Newt Lee and told him to "go out and have a good time until 6 o'Clock," although Lee said he would prefer to

lie down and sleep. When Lee returned, Frank changed the slip in the Time Clock, manifesting nervousness and taking a longer time than usual.

When Frank walked out of the Front Door of the Factory, he met a man named Gantt, whom he discharged a short time before. Frank looked frightened, his explanation being that he anticipated harm. Gantt declared he wished to go upstairs and get two pairs of shoes, of which permission, Frank finally granted, stating that he thought they had been swept out.

About an hour later after this occurrence, Frank called up Lee over the Telephone, a thing he had never done before, and asked him if everything was all right at the Factory. Lee found the double inner doors locked, which he had never found that way before. Subsequently, when Lee was arrested and Frank was requested by the Detectives to go in and talk to him, in order to find out what he knew, Lee says Frank dropped his head and stated, "If you keep that up, we will both go to Hell."

On Sunday morning at about 3 o'Clock, after Newt Lee, the Night Watchman, had telephoned the Police Station of the discovery of the dead body and the Officers had come to the Factory, they endeavored to reach Frank by Telephone, but could not get a response. They telephoned at 7:30 Sunday morning and told Frank that they wanted him to come down to the Factory, and when they came for him, he was very nervous and trembled. The body at that time had been taken to the Undertaker's Establishment to identify the girl, he (Frank) showed a disinclination to look at the body, and did not go into the Room where it lay, but turned away at the door.

Frank had made an engagement on Friday to go to the baseball game on Saturday afternoon with his Brother-In-Law, but broke the engagement, as he said in his Statement, because of

the Financial Statements he had to make up, while before the Coroner's Jury he said he broke the engagement because of threatening weather.

State's Contention.

The contention of the State, as will hereafter be disclosed, was that Frank remained at the Factory Saturday afternoon to dispose of the body of Mary Phagan, and that that was the Reason he gave Newt Lee his unusual leave of absence.

The Cook's Husband testified that on Saturday, the day of the murder, he visited his wife at the home of Mr. Selig, Defendant's Father-In-Law, where Frank and his wife were living, and that Frank came in to dinner and ate nothing. The Negro Cook of the Selig's was placed upon the Stand and denied that her husband was in the Kitchen at all on that day. For purposes of Impeachment, therefore the State introduced an Affidavit from this Cook taken by the Detectives, and as he claimed, under duress, which tended to substantiate the story of her husband and which Affidavit declared that on Sunday morning after the murder, she heard Mrs. Frank tell her mother that Mr. Frank was drinking the night before and made her sleep on a rug and called for a pistol to shoot himself, because he (Frank) had murdered a girl. This Affidavit was relevant for purposes of impeachment, although, of course, it had no legal probative value as to the Facts contained therein. On the stand, the Cook declared that she was coerced by her husband and Detectives under threat of being locked up unless she gave it, and it was made at the Station House. The State proved it was given in the presence of her Lawyer and said that her denial of the Truth of the Affidavit was because her wages had been increased by the parents of Mr. Frank. No details are given as to where the conversation occurred between Mrs. Frank and her mother, nor is there any explanation

as to how she happened to hear the conversation. It will be easily seen that the effect of the Affidavit upon the Jury might be great.

It is hard to conceive that any man's power of Fabrication of minute details could reach that which Conley showed, unless it be the Truth.

The evidence introduced tended to show that on Sunday morning, Frank took out of the time clock the slip which he had admitted at that time was punched for each half hour, and subsequently Frank claimed that some punches had been missed. The suggestion was that he had either manipulated the slip to Place the Burden on Lee or was so excited as to be unable to read the slip correctly.

The State introduced a Witness, Monteen Stover, to prove that at the time when Mary Phagan and Frank were in the Metal Room, she was in Frank's Offices and he was absent, although he had declared he had not left the Office. The State showed that the hair of Mary Phagan had been washed by the Undertaker with Pine Tar Soap, which would change its color and thereby interfere with the ability of the Doctor to tell the similarity between the hair on the lathe and Mary Phagan's hair.

The State further showed a cord of the Character which strangled Mary Phagan, was found in quantities on the Metal Room floor, and was found in less quantities and then cut up in the Basement. As to this, Detective Starnes testified, "I saw a cord like that in the Basement, but it was cut up in pieces. I saw a good many cords like that all over the Factory."

Holloway testified: "These cords are all over the Building and in the Basement."

Darley testified to the same effect.

However, this contradicts the testimony that was presented to the Jury for Solution.

The State claimed to the Jury what Witnesses for the Defendant, under the suggestion of Counsel in open Court, would change their testimony so that it might not operate against the Defendant.

I have not enumerated all the suspicious circumstances urged by the State, but have mentioned what have appeared to me the most prominent ones. Where I have not mentioned of the more prominent ones, an inspection of Record fails to maintain the contention.

It is contended that a Lawyer was engaged for Frank at the Station House before he was arrested. This is replied to by the Defense that a friend had engaged Counsel without Frank's knowledge, and the Lawyer advised Frank to make full Statement to the Detectives.

Conleys Evidence.

The most startling and spectacular evidence in the Case was that given by a Negro, Jim Conley, a man 27 years of age, and one who frequently had been in the chaingang. Conley had worked at the Factory for about two years and was thoroughly acquainted with it. He had worked in the Basement about two months and had run the Elevator about a year and a half.

On May 1, he was arrested by the Detectives.

Near the body in the Basement had been found two notes, one written on brown paper, and the other on a leaf of a scratch pad. That written on the white paper in a Negro's handwriting showed the following:

“He said he would love me, lay down play like the Night Witch like which, did it but that long, tall black Negro the boy is hisself.”

On the brown Paper, which was the Carbon Sheet of an Order Blank headed “Atlanta, Ga.,-----, 190,” which becomes important, was written in a Negro’s handwriting the following:

“Mam, that Negro Fire down here did this, I went to make water, and he push me down a hole a long, tall Negro black did (had) it. I write while play with me.”

The Detectives learned about the middle of May that Conley could write, although at first, he denied it. He made one Statement and three Affidavits which are more fully referred to in stating the Defendant’s Case. The Affidavits were introduced by the Defendant under notice to produce.

By these Affidavits, there was admitted the substance of the evidence that he delivered on the Stand, which in Brief was as follows:

Conley claimed that he was asked by Frank to come to the Factory on Saturday and watch for him, as he previously had done, which for him, as he previously had done, which he explained meant that Frank expected to meet some woman, and when Frank stamped his foot Conley was to lock the door leading into the Factory, and when he whistled, he was to open it.

Conley occupied a dark place to the side of the Elevator behind some boxes, where he would be invisible.

Conley mentioned several people, including male and female Employees, who went up the steps to the second floor where Frank’s Office was located. He said that Mary Phagan went up the stairs and he heard in a few minutes, footsteps going back to the

Metal Room, which is from 150 to 200 feet from the Office. He heard a screen and then he dozed off. In a few minutes Frank stamped and then Conley locked the door, and then Frank whistled, at which time Conley unlocked the door and went up the steps. Frank was shivering and trembling and told Conley, "I wanted to be with the little girl, and she refused me, and I struck her, and I guess I struck too hard and she fell and hit her head against something, and I do not know how bad she got hurt. Of course, you know I ain't built like other men."

Perversion Not Indicated.

Conley described Frank as having beer, in position which Conley thought indicated Perversion, but the Facts set out by Conley do not demand such conclusion.

Conley says that he found Mary Phagan lying in the Metal Room some 200 feet from the Office ,with a cloth tied about her neck and under the head as though to catch blood, although there was no blood at the place.

Frank told Conley to get a piece of cloth and put the body in it and Conley got a piece of striped bed tick and tied the body in it and brought it to a place a little way from the Dressing Room and dropped it, and then called on Frank for assistance in carrying it. Frank went to his office and got a key and unlocked the switchboard in Order to operate the Elevator, and he and Conley took the body in the Elevator to the Basement, where Conley rolled the body off the cloth. Frank, on the first floor, got into the Elevator and went to the second floor, on which the Office is located. They went back into Frank's Private Office and just at that time Frank said, "My God, here is Emma Clark and Corinthia Hall," and Frank then put Conley into the wardrobe. After they left, Frank let Conley out and asked Conley if he could write, to which Conley gave an Affirmative reply. Frank then dictated the

letters heretofore referred to. Frank took out of his desk a roll of greenbacks and told him. "Here is a roll of greenbacks and told him. "Here is \$200," but after a while requested the money back and got it.

One Witness testified she saw some Negro, whom she did not recognize, sitting at the side of the Elevator in the gloom. On the extraordinary motion for new trial, a woman, who was unimpeached, made Affidavit that on the 31st day of May, through Newspaper Report, she saw that Conley claimed he met Frank by Agreement at the corner of Forsyth and Nelson Streets on the 26th day of April 1913, and she became satisfied that she saw the two in close conversation at that place on that date, between 10 and 11 o'Clock.

Frank's Character.

Frank put his character in issue and the State introduced ten Witnesses attacking Frank's character, some of whom were Factory Employees, who testified that Frank's reputation for lasciviousness was bad, and some told that he had been seen making advances to Mary Phagan, whom Frank had professed to the Detectives, either not to have known, or to have been slightly acquainted with. Other Witnesses testified that Frank had improperly gone into the Dressing Room of the girls. Some Witnesses who answered on Direct Examination that Frank's reputation for lasciviousness was bad, were not Cross-Examined as to details, and this was made the subject of comment before the Jury.

The above states very briefly the gist of the State's Case, omitting many incidents which the State claims would confirm Frank's guilt when taken on their entirety.

The Defendant introduced approximately one hundred Witnesses as to his good Character. They included Citizens of Atlanta, College mates at Cornell and Professors of that College.

The Defendant was born in Texas, and his Education was completed at the Institution named.

The admission of Conley that he wrote the notes found at the body of the dead girl, together with the part he admitted he played in the transaction, combined with his history and his explanation as to both the writing of the notes and the removal of the body to the Basement, make the entire Case revolve about him. Did Conley speak the Truth?

Before going into the varying and conflicting Affidavits made by Conley, it is advisable to refer to some incidents which cannot be reconciled to Conley's story. Wherever a physical Fact is stated by Conley, which is admitted, this can be accepted, but under both the Rules of Law and of common sense, his Statements cannot be received, excepting where clearly corroborated. He admits not only his participation as an accessory, but also glibly confesses his own infamy.

Conley Contradicted.

One Fact in the Case, and that of most important Force in arriving at the Truth, contradicts Conley's testimony. It is disagreeable to refer to it, but delicacy must yield to necessity when human life is at stake.

The Mystery in the Case is the question as to how Mary Phagan's body got into the Basement. It was found 136 feet away from the Elevator, and the face gave evidence of being dragged through dirt and cinders. She had dirt in her eyes and mouth. Conley testified that he and Frank took the body down to the Basement in the Elevator on the afternoon of April 26, 1913, and

leaves for inference that Frank removed the body 136 feet toward the end of the Building, where the body was found at a spot near the back door, which led out toward the street in the rear. Conley swears he did not return to the Basement, but went back up in the Elevator, while Frank went back to the ladder, constituting the only two methods of ingress and egress to the Basement, excepting through the Back Door. This was between 1 and 2 o'Clock on the afternoon of April 26.

Conley testified that on the morning of April 26, he went down into the Basement to relieve his bowels and utilized the Elevator shaft for the purpose.

On the morning of April 27 at 8 o'Clock, when the Detectives came down into the Basement by way of the ladder, they inspected the premises, including the shaft, and they found there, human excrement in natural condition.

Subsequently, when they used the Elevator, which everybody, including Conley, who had run the Elevator for 1½ years, admits, only stops by hitting the ground in the Basement, the Elevator struck the excrement and mashed it, thus demonstrating that the Elevator had not been used since Conley had been there. Solicitor General Dorsey, Mr. Howard, and Myself, visited the Pencil Factory, and went down this Elevator, and we found it hit the bottom. I went again with my Secretary, with the same Result.

Frank is delicate in Physique, while Conley is strong and powerful. Conley's Place for watching, as described by himself, was in the gloom a few feet from the hatchway leading by way of leader to the Basement. Also, he was in a few feet of the Elevator Shaft on the first floor. Conley's section in the Elevator Shaft was in accordance with his testimony that he made water twice against the door of the Elevator Shaft on the morning of the 26th,

instead of doing so in the gloom of his corner behind the Boxes where he kept watch.

Passed Near Conley.

Mary Phagan, in coming downstairs, was compelled to pass within a few feet of Conley, who was invisible to her, and in a few feet of the hatchway. Frank could not have carried her down the hatchway, Conley might have done so with difficulty. If the Elevator Shaft was not used by Conley and Frank in taking the body to the Basement, then the explanation of Conley, who admittedly wrote the notes found by the body, cannot be accepted.

In addition, there was found in the Elevator Shaft at 8 o'Clock Sunday morning the parasol, which was unhurt, and a ball of cord which had not been mashed.

Conley in his Affidavits before the Detectives testified he wrapped up the body in a Crocus Sack at the suggestion of Frank, but on the trial he testified he wrapped up the body in a piece of bedtick like the shirt of the Solicitor General. The only Reason for such change of testimony, unless it be the Truth, was that a Crocus sack, unless split open, would be too small for the purpose. If he split open the Crocus Sack with a Knife, this would suggest the use of a Knife in cutting the drawers of the girl.

So the question arises, whether there was any bedtick in the Pencil Factory, and no Reason can be offered by bedtick should be in a Pencil Factory. It has no function there. Had such unusual cloth been in the Factory, it certainly must have been known., but nobody has ever found it.

Conley says that after the deed was committed, which everybody admits could not have been before 12:05, Frank

suddenly said, "Here comes Clark and Corinthia Hall," and he put Conley in a wardrobe."

The contradicted evidence of these two Witnesses, and they are unimpeached, was they reached the Factory at 11:35 a.m. and they left it at 11:45 a.m., and, therefore, this Statement of Conley can hardly be accepted.

Conley says that when they got the body to the bottom of the Elevator in the Basement, Frank told him to leave the hat, slipper and piece of ribbon right there, but he "taken" the things and pitched them over in front of the boiler," which was 57 feet away.

Conley says that Frank told him when he watched for him to lock the door when he (Frank) stamped, and to open the door when he whistled. In other words, Frank had made the approach to the girl and had killed her before he had signaled Conley to lock the door.

Conley says: "I was upstairs between the time I locked the door and the time I unlocked it. I unlocked the door before I went upstairs." This explanation is not clear, nor is it easy to comprehend the use of the signals which totally failed their purpose.

A Curious Fact.

It is curious, during the course of the story that while Frank explained Conley about striking the girl when she refused him and Conley found the girl strangled with a cord, he did not ask Frank anything about the use of the cord, and that subject was not mentioned.

The wound on Mary Phagan was near the top of the head and reached the skull. Wounds of that character bleed freely. At

the place Conley says he found blood, there was no blood. Conley says there was a cloth tied around the head as though to catch the blood, but none was found there.

One Barrett says that on Monday morning, he found six or seven strands of hair on the lathe with which he worked and which were not there on Friday. The implication is that it was Mary Phagan's hair and that she received a cut by having her head struck at this place. It is admitted that no blood was found there. The lathe is about 3½ feet high and Mary Phagan is described as being chunky in build. A blow which would have forced her with sufficient violence against the smooth handle of the lathe to have produced the wound must have been a powerful one, since the difference between her height and that of the lathe could not have accounted for it. It was strange, therefore, that there was a total absence of blood, and that Frank, who was delicate, could have hit a blow of such violence.

Some of the Witnesses for the State testified the hair was like that of Mary Phagan, although Dr. Harris compared Mary Phagan's hair with that on the lathe under a microscope and was under the impression that it was not Mary Phagan's hair. This will be the subject of further comment.

As to Blood Spots.

Barrett and others said they thought they saw blood near the Dressing Room, at which place Conley said he dragged the body.

Chief of Police Beavers said he did not know whether it was blood.

Detective Starnes said: "I do not know that the splotches I saw was blood."

Detective Black says: "Mr. Starnes, who was there with me, did not call my attention to any blood splotches."

Detective Scott says: "We went to the Metal Room, where I was shown some spots supposed to be blood spots."

A part of what they thought to be blood was chipped up in four or five chips and Dr. Claude Smith testified that on one of the chips he found, under a microscope, from three or five blood corpuscles; a half drop would have caused it.

Frank says that the part of the splotch that was left after the chips were taken up was examined by him with an Electric Flash Lamp, and it was not blood.

Barrett, who worked on the metal floor and who, several Witnesses declared, claimed a reward because he discovered the hair and blood, said the splotch was not there on Friday, and some Witnesses sustained him.

There was testimony that there were frequent injuries at the Factory and blood was not infrequent in the neighbor hood of the ladies' dressing room. There was no blood in the Elevator.

Dr. Smith, the City Bacteriologist, said that the presence of blood corpuscles could be told for months after the blood had dried. All of this bore upon the question as to whether the murder took place in the Metal Room, which is on the same floor of Frank's Office. Excepting near the Metal Room at the place mentioned, where the splotches varied, corroding to Chief Beavers' testimony, from the size of a quarter to the size of a palm leaf fan, there was no blood whatever. It is to be remarked that a white substance called Haskoline, used about the Factory, was found spread over the splotches.

Conley's Affidavits.

The Defense procured under notice one Statement and three Affidavits, taken by the Detectives from Conley, and introduced them in evidence.

The first Statement, dated May 18, 1913, gives a minute detail of his actions on the 26th day of April and specifies the saloons he visited and the whisky and beer he bought, and minutely itemized the denomination of the money he had and what he spent for beer, whisky, and pan sausage. This comprehends the whole of Affidavit No. 1.

On May 24, 1913, he made for the Detectives an Affidavit in which he says that on Friday before the Saturday on which the murder was committed Frank asked him if he could write. This would appear strange, because Frank well knew he could write, and had so known for months, but according to Conley's Affidavit, Frank dictated to him practically the Contents of one of the notes found by the body of Mary Phagan. Frank, then, according to Conley's statement, took a brown scratch pad and wrote on that himself, and then gave him a Box of Cigarettes in which was some money, and Frank said to him that he had some wealthy relatives in Brooklyn, and "Why should I hang?"

This would have made Frank guilty of the contemplated murder on Friday which was consummated Saturday, and which was so unreasonable it could not be accepted.

On May 28, 1913, Conley made for the Detectives another Affidavit, which he denominates as "second and last Statement." In that he states that on Saturday morning after leaving home he bought two beers for himself and then went to a saloon and won 90 cents with dice, where he bought two more beers and a half pint of whisky, some of which he drank, and he met Frank at the corner of Forsyth and Nelson Streets and Frank asked him to wait until he returned.

Conley went over to the Factory and mentioned various people whom he saw from his place of espionage going up the stairs to Mr. Frank's Office. Then Frank whistled to him, and he came upstairs and Frank was trembling, and he and Frank went into the Private Office, when Frank exclaimed that Miss Emma Clark and Corinthia Hall were coming and concealed Conley in the wardrobe. Conley said that he stayed in the wardrobe a pretty good while, for the whiskey and beer had gotten him to sweating. Then Frank asked him if he could write and Frank made him write at his Dictation three times, and Frank told him he was going to take the note and send it in a letter to his people and recommend Conley to them. Frank said, "Why should I hang?"

Money Given Conley.

Frank took a Cigarette from a box and gave the box to Conley, and when Conley got across the Street he found it had two paper dollars and two silver quarters in it, and Conley said, "Good luck has done struck me." At the beer salon, he bought one-half pint of whiskey and then got a bucket and bought 15 cents worth of beer, 10 cents worth of stovewood and a nickel's worth of pan sausage and gave his old woman \$3.50. He did not leave home until about 12 o'Clock Sunday. On Tuesday morning, Frank came upstairs and told him to be a good boy. On Wednesday, Conley washed his shirt at the Factory and hung it on the Steam Pipe to dry, occasioning a little rust to get on it. The Detectives took the shirt, and, finding no blood on it, returned it.

On the 29th of May, 1913, Conley made another Affidavit, in which he said that Frank told him that he had picked up a girl and let her fall, and Conley hollered to him that the girl was dead, and told him to go to the cotton bag and get a piece of cloth, and he got a big, wide piece of cloth and took her on his right shoulder, when she got too heavy for him, and she slipped off when he got

to the Dressing Room. He called Frank to help, and Frank got a key to the Elevator and the two carried the body downstairs and Frank told him to take the body back to the sawdust pile, and Conley says he picked the girl up and put her on his shoulder, while Frank went back up the ladder.

It will be observed that the testimony and the appearance of the girl indicated that she was dragged through the cinders and debris on the floor of the Basement, yet Conley says he took her on his shoulder.

The Affidavit further states that Conley took the cloth from round her and took her hat and slipper, which he had picked up upstairs, right where her body was lying, and brought them down and untied the cloth and brought them back and "threwed them on the trash pile" in front of the furnace. This was the time that Conley says Frank made the exclamation about Emma Clark and Corinthia Hall.

An Important Feature.

An important feature in this Affidavit as follows:

Conley states in it that Mr. Frank said: "Here is \$200, and Frank handed the money to him."

All of the Affidavit down to this point is in typewriting, the original was exhibited to me. At the end of the Affidavit in handwriting is written the following: "While I was looking at the money in my hands, Mr. Frank said, 'Let me have that and I will make it all right with you Monday, if I live and nothing happens,' and 'he took the money back and I asked him if that was the way he done, and he said he would give it back Monday.'"

It will be noticed that the first question which would arise would be, what became of the \$200? This could not be accounted for.

Therefore, when that query presumably was propounded to Conley the only explanation was that Frank demanded it back.

The Detectives had Conley for two or three hours on May 18, trying to obtain a confession, and he denied he had seen his girl on the day of the murder. The Detectives questioned him closely for three hours on May 25, when he repeated this story. On May 27, they talked to him about five or six hours in Chief Lanford's Office.

Testimony of Detective.

Detective Scott, who was introduced by the State, testified regarding Conley's Statement and Affidavits as follows:

"We tried to impress him with the Fact that Frank would not have written those notes on Friday; that that was not a reasonable story; that it showed premeditation, and that would not do. We pointed out to him why the first Statement would not fit. We told him we wanted another Statement. He declined to make another Statement. He said he had told the Truth."

"On May 28, Chief Lanford and I grilled him for five or six hours again, endeavoring to make clear several points which were far-fetched in his Statement. We pointed out to him that his Statement would not do and would not fit, and he then made the Statement on May 28, after he had been told that this previous Statement showed deliberation and could not be accepted. He told us nothing about Frank making an engagement to stamp and for him to lock the door, and told nothing about Monteen Stover. He did not tell us about seeing Mary Phagan. He said he did not see her. He did not say he saw Quinn. Conley was a rather dirty

Negro when I first saw him. He looked pretty good when he testified here.”

“On May 29, we talked with Conley almost all day. We pointed out things in his story that were improbable and told him he must do better than that. Anything in his story that looked to be out of place, we told him would not do. We tried to get him to tell about the little meshbag. We tried pretty strong. He always denied ever having seen it. He denied knowing anything about the matter, down in the Basement in the Elevator Shaft. He never said he went down there himself between the time he came to the Factory and went to Montag’s. He never said anything about Mr. Frank having hit her or having hit her too hard, or about tiptoed from the Metal Department. He said there was no thought of burning the body.”

“On May 18, we undertook in Chief Lanford’s Office to convince him he could write, and we understood he said he could not write, and we knew he could. We convinced him that we knew he could write, and then he wrote.”

In his evidence before the Jury in the re-direct examination, Conley thought it necessary to account for the meshbag, and for the first time said that “Mary Phagan’s meshbag was lying on Mr. Frank’s desk and Mr. Frank put it in the Safe.” This is the first mention of the meshbag.

The first suggestion that was made of Frank being a Pervert was in Conley’s testimony. On the Stand, he declared Frank said, “he was not built like other men.”

There is no proof in the Record of Frank being a Pervert. The situation in which Conley places him, and upon Conley’s testimony must that charges rest, does not prove the Charge of Perversion if Conley’s testimony be true.

On Argument before me I asked what motive Conley would have to make such a suggestion, and the only Reason given was that someone may have made him the suggestion because Jews are circumcised.

Conley Amenable to Suggestion.

Conley in his evidence shows himself amenable to suggestion. He says, "If you tell a story, you know you have got to change it. A lie won't work, and you know you have got to tell the whole truth."

Conley in explaining why his Affidavits varied said: "The Reason why I told that story was, I do not want them to know that these other people passed by me, for they might accuse me. I do not want people to think that I was the one that done the murder."

Conley admits he wrote the notes found by the body of Mary Phagan. Did Frank dictate them? Conley swears he did. The State says that the use of the word "did" instead of "done" indicates a white man's Dictation. Conley admits the spelling was his. The words are repeated and are simple, which characterizes Conley's letters. In Conley's testimony you will find frequently that he used the word "did," and according to Calculation submitted to me he used the word "did" over fifty times during the trial.

While Conley was in the Jail charged with being an accessory, there was also incarcerated in Jail, a woman named Annie Maude Carter, whom Conley had met at the Courthouse. She did work in the Jail and formed the acquaintance of Conley, who wrote to her many lengthy letters. These letters are the most obscene and lecherous I have ever read. In these letters, the word "did" is frequently employed. It will be observed that in Conley's

testimony, he uses frequently the word “Negro,” and in the Annie Maude Carter notes he says, “I have a Negro watching you.”

The Carter Girl’s Notes.

The Annie Maude Carter notes, which were powerful evidences in behalf of the Defendant, and which tended strongly to show that Conley was the real Author of the murder notes, were not before the Jury.

The word “like” is used in the Mary Phagan notes, and one will find it frequently employed in Conley’s testimony. The word “play,” in the Mary Phagan notes, with an obscene significance, is similarly employed in the Annie Maude Carter notes. The same is true as to the words “lay” and “love.”

In Conley’s testimony, he uses the words “make water” just as they are used in the Mary Phagan notes.

In Conley’s testimony he says the word “hissself” constantly.

It is urged by the Lawyers for the Defense that Conley’s characteristic was to use double adjectives.

In the Mary Phagan notes, he said “long tall Negro, black,” “long slim, tall Negro.”

In his testimony Conley used expressions of this sort, “He was a tall, slim build heavy man,” “A good long wide piece of cord in his hands.”

Conley says that he wrote four notes, although only two were found. These notes have in them 128 words, and Conley swears he wrote in 2½ minutes. Detective Scott swears he dictated eight words to Conley, and it took him about six minutes to write them.

The Statement is made by Frank, and that Statement is consistent with the evidence in the Record, that the information that Conley could write came from Frank when he was informed that Conley claimed he could not write. Frank says he did not disclose this before, because he was not aware Conley had been at the Factory on the 26th day of April, and therefore the materiality of whether Conley could write any more than any other Negro Employee, had not been suggested to him, Frank says that he gave the information that Conley had signed Receipts with certain Jewelers, with whom Conley had dealings.

Where Were the Notes Written?

At the time of the trial, it was not observed that the Death note written on Brown Paper was on Order Blank, with the Date Line, "Atlanta, Ga., ---, 190." Subsequently the Paper was put under a Magnifying Glass and in Blue Pencil it was found that one Becker's name was written there. He had been employed at the Factory on the fourth floor. Investigation was made and Becker testified that he worked for the Pencil Factory from 1908 until 1912, and the Order Blank was No. 1018. During that entire time, he signed Orders for goods and supplies. The brown Paper on which the Death note was written, bears his Signature, and at the time he left Atlanta in 1912, the entire Supply of Blanks containing the figures 190---, had been exhausted, and the Blanks containing the figures 191---, had already been put in use. Becker makes Affidavit that before leaving Atlanta, he personally packed up all of the Duplicate Orders which had been filled and performed their Functions, and sent them down to the Basement to be burned. Whether the order was carried out, he did not know.

In reply to this, the State introduced the Extraordinary motion the testimony of Phillip Chambers, who swears that unused Order Blanks entitled "Atlanta, Ga.,---, 191---," were in the

Office next to Frank's Office and that he had been in the Basement of the Factory and found no Books or Papers left down there for any length of time, but same were always burned up.

This evidence was never passed upon by the Jury, and developed since the trial. It was strongly corroborative of the theory of the Defense that Death notes were written, not in Frank's Office, but in the Basement, and especially in view of the evidence of Police Sergeant Dobbs, who visited the scene of the Crime on Sunday morning, as follows:

"The scratch pad was also lying on the ground close to the body. The scratch pad was lying near the notes. They were all right close together. There was a pile of trash near the Boiler where this hat was found, and Paper and Pencils were down there, too."

Police Officer Anderson testified:

"There are plenty of Pencils and trash in the Basement."

Darely testified: "I have seen all kinds of paper down in the Basement. The Paper that note is written on is a Blank Order Pad. That kind of Paper is likely to be found all over the Building, for this Reason, they write an Order and sometimes fail to get a Carbon under it, and at other into the trash. That kind of Pad is used all over the Factory."

Over the Boiler is a Gas Jet.

Mary Phagan's Hair.

Another feature which was not known at the trial, and which was not presented to the Jury, but came up by Extraordinary Motion, was regarding the hair alleged to have been found by Barrett on the lathe. The evidence on the trial of some of the Witnesses was that the hair looked like that of Mary Phagan. It

was not brought out at the trial that Dr. Harris had examined the hair under a microscope and by taking sections of it and comparing it with Mary Phagan's hair, thought that in the lathe was not Mary Phagan's hair, although he said he could not be certain of it.

This, however, would have been the highest and best evidence.

The evidence as to the probability of the blank on which the Death note was written being in the Basement, and the evidence as to the hair, would have tended to show that the murder was not committed on the floor on which Frank's Office was located.

The Time Question.

The State contended that Mary Phagan came to the Office of Leo M. Frank to get her pay at some time between 12:05 and 12:10, and that Frank had declared that he was in his Office the whole time.

It is true that at the Coroner's inquest, held Thursday after the murder (page 364), he said he might have gone back to the toilet, but did not remember it. However, in some of his testimony Frank said he had remained the whole time in his Office. Monteen Stover swears that she came into Frank's Office at 12:05 and remained until 12:10, and did not see Frank or anybody. She is unimpeached, and the only way to reconcile her evidence would be that she entered Frank's Office, as she states, for the first time in her life, and did not go into the Inner Room, where Frank claimed to have been at work. If Frank were at work at his desk, he could not be seen from the Outer Room. Monteen Stover said she wore tennis shoes and her steps may not have attracted him.

However, the pertinency of Monteen Stover's testimony is that Mary Phagan had come to get her pay and Frank had gone

with her back to the Metal Room and was in process of killing her while was at a time when he had declared he was in his Office.

The evidence loses its pertinency if Mary Phagan had not arrived at the time Monteen Stover came. What is the evidence?

The evidence uncontradicted discloses that Mary Phagan ate her dinner at 11:30 o'Clock, and the evidence of the Street Car men was that she caught the 11:50 car, which was due at the corner of Forsyth and Marietta Streets at 12:07½. The Distance from the place to the Pencil Factory is about one-fifth of a mile. It required from 4 to 6 minutes to walk to the Factory, and especially would the time be enlarged, because of the crowds on the Streets on Memorial Day.

Testimony of Epps Boy.

While the Street Car men wear the Car was on time, and while George Epps, a witness for the State, who rode with Mary Phagan, swears he left her about 12:07 at the corner of Forsyth and Marietta Streets, there is some evidence to the effect that the car arrived according to custom, but might have arrived two or three minutes before Schedule time. If so, the distance would have placed Mary Phagan at the Pencil Factory at some time between 12:05 and 12:10. Monteen Stover looked at the Clock and says, she entered at 12:05. A suggestion is made that the time clocks, which were punched by the Employees, might have been fast. This proposition was met by W.W. Rogers, who accompanied the Detectives to the scene of the murder on Sunday morning, and who testified (page 200), "I know that both Clocks were running, and I noticed both of them had the exact time." Therefore, Monteen Stover must have arrived before Mary Phagan, and while Monteen Stover was in the Room, it hardly seems possible, under the evidence, that Mary Phagan was at that time, being murdered.

Lemmie Quinn testifies that he reached Frank's Office about 12:20 and saw Mr. Frank. At 12:30 Mrs. J.A. White called to see her husband at the Factory, where he was working on the fourth floor, and left again before 1 o'Clock.

At 12:50, according to Denham, Frank came up to the fourth floor and said that he wanted to get out. The evidence for the Defense tends to show that the time taken for moving the body, according to Conley's description, was so long that it could not have fitted the specific times at which visitors saw Frank. It will be seen that when Mrs. White came up at 12:30 the doors below were unlocked.

Another Feature of the evidence is that the Back Door in the Basement was the former means of egress for Conley, when he desired to escape his Creditors among the Employees. On Sunday morning, April 27, the staple of this door had been drawn. Detective Starnes found on the door the marks of what he thought were bloody finger prints, and he chipped off two pieces from the door which looked like "bloody finger prints." The evidence does not disclose further investigation as to whether it was blood or not.

The motive of this murder may be either robbery, or robbery and assault, or assault.

There is no suggestion that the motive of Frank would be robbery. The meshbag was in Mary Phagan's hands and was described by Conley in his re-direct Examination at the trial for the first time. The size of the meshbag I cannot tell, but since a bloody handkerchief of Mary PHgan's was found by her side, it was urged before me by Counsel for the Defense that ladies usually carried their handkerchiefs in their meshbags.

If the motive was assault, either by natural or perverted means, the Physicians' evidence who made the Examination does not disclose its Accomplishment, Perversion by none of the suggested means could have occasioned the flood or blood. The Doctors testified that excitement might have occasioned it under certain conditions. Under the evidence, which is not set forth in detail, there is every probability that on the 26th day of April. Her meshbag was lost, and there can be no doubt of this. The evidence shows that Conley was as depraved and lecherous a Negro as ever lived in Georgia. He lay in watch and described the clothes and stockings of the women who went to the Factory.

His story necessarily bears the Construction that Frank had an engagement with Mary Phagan, which no evidence in the Case would justify. If Frank had engaged Conley to watch for him, it could only have been for Mary Phagan, since he made no improper suggestion to any other female on that day, and it was undisputed that many did come up prior to 12 o'clock, and whom could Frank have been expecting Mary Phagan, under Conley's story? This view cannot be entertained as an unjustifiable reflection on the young girl.

Why the Negro wrote the notes is a matter open to conjecture. He had been drinking heavily that morning, and it is possible that he undertook to describe the other Negro in the Building so that it would avert suspicions.

It may be possible that his version is correct.

The testimony discloses that he was in the habit of allowing men to go into the Basement for immoral purposes for a consideration, and when Mary Phagan passed by him close to the hatchway leading into the Basement and in the gloom and darkness of the entrance, he may have attacked her. What is the truth we may never know.

Jury's Verdict.

The Jury which heard the evidence and saw the witnesses found the Defendant, Leo M. Frank, guilty of murder. They are the ones, under our Laws, who are chosen to weigh evidence and to determine its probative value. They may consider the demeanor of the witnesses upon the Stand and in the exercise of common sense will arrive with wonderful accuracy at the Truth of the Contest.

Under our Law, the only Authority who can Review the merits of this Case and question the Justice of a verdict which has any evidence to support it is the trial Judge. The Supreme Court is limited by the Constitution to the correction of the Errors of the Law. The Supreme Court found in the trial no Error of Law and determined as a matter of Law, and correctly, in my Judgment, that there was sufficient evidence to sustain the verdict.

But under our Judicial System, the trial Judge is called upon to exercise his wise discretion, and he cannot permit a verdict to stand which he believes to be unjust. A suggestion in the Order overruling a motion for a new trial that the Judge was not satisfied with the verdict would demand a reversal by the Supreme Court.

In this connection Judge Roan declared orally from the bench that he was not certain of the Defendant's guilt—that with all the thought he had put on this Case he was not thoroughly convinced whether Frank was guilty or innocent—but that he did not have to be convinced; that the Jury was convinced, and that there was no room to doubt that; that he felt it his duty order that the motion for a new trial be overruled.

This Statement was not embodied in the motion overruling new trial.

Under our Statute, in Cases of conviction of murder on circumstantial evidence, it is within the Discretion of the trial Judge to Sentence the Defendant to life imprisonment (code, section 63).

Circumstantial Evidence.

The conviction of Frank was on circumstantial evidence, as the Solicitor General admits in his written Argument.

Judge Roan, however, misconstrued his power, as evidence by the following charge to the Jury in the Case of the State against Frank:

“If you believe beyond a reasonable doubt from the evidence in this Case that this Defendant is guilty of murder, then you would be authorized in that event to say, ‘We, the Jury, find the Defendant guilty.’ Should you go further, gentlemen, and say nothing else in your verdict, the Court would have to Sentence the Defendant to the extreme Penalty of murder, to wit: ‘To be hanged by the neck until he is dead.’”

Surely if Judge Roan entertained the extreme doubt indicated by his Statement and had remembered the power granted him by the Code, he would have sentenced the Defendant to life imprisonment.

In a letter written to Counsel he says: “I shall ask the Prison Commission to recommend to the Governor to commute Frank’s Sentence to life imprisonment....It is possible that I showed undue deference to the Jury in this Case, when I allowed the verdict to stand. They said by their verdict that they had found the Truth. I was in a state of uncertainty, and so expressed myself....After many months of continued deliberation, I am still uncertain of Frank’s guilt. This State of uncertainty is largely due to the

Character of the Conley testimony, by which the verdict was largely reached.

“Therefore, I consider this a Case in which the Chief Magistrate of the State should exert every effort in ascertaining the Truth. The Execution of any person whose guilt has not been satisfactorily proven is too horrible to contemplate. I do not believe that a person should meet with the extreme penalty of the law until the Court, Jury and Governor shall have all been satisfied of that Person’s guilt. Hence, at the proper time I shall express and enlarge upon these views, directly to the Prison Commission and Governor.”

“However, if for any cause, I am prevented from doing this, you are at liberty to use this letter at the Hearing.”

Verdict Not Attacked.

It will thus be observed that if Commutation is granted the verdict of the Jury is not attacked, but the Penalty is imposed for murder, which is provided by the State, and which the Judge, except for his misconception, would have imposed. Without attacking the Jury or any of the Courts. I would be carrying out the will of the Judge himself in making the Penalty that which he would have made it and which he desires it shall be made.

In the Case of Hunter, a white man charged with assassinating two white women in the City of Savannah, who was found guilty and sentenced to be hanged, Application was made to me for Clemency. Hunter was charged, together with a Negro, with having committed the Offense, and after he was convicted the Negro acquitted. It was brought out by the Statement of the Negro that another Negro who was half-witted committed the Crime, but no credence was given to the story, and he was not indicted.

The Judge and Solicitor General refused to recommend Clemency, but upon a Review of the evidence, and because of the Facts and at the instance of the leading Citizens of Savannah, who were doubtful of the guilt of Defendant, I commuted the Sentence, in order that there should be no possibility of the Execution of an innocent man. This action has met with the entire approbation of the people of Chatham County.

In the Case of John Wright, of Fannin County, two men went to the mountain home of a Citizen, called him out and shot him and were trampling on his body, when his wife, with a babe in her arms, came out to defend her husband. One of the men struck the babe with his gun and killed it. Wright was tried, found guilty and sentenced to Death. Evidence was introduced, as to his borrowing a gun. His threats, his escape after the shooting occurred at the time he was an escape from the Fannin County Jail under indictment for Felony.

I refused to interfere unless the Judge or Solicitor, would recommend interference, which they declined to do. Finally, when on the gallows, the Solicitor General recommended a reprieve, which I granted, and finally on the recommendation of the Judge and Solicitor General, as expressed in my Order, I reluctantly commuted the Sentence to life imprisonment. The doubt was suggested as to the identity of the Criminal, and as to the credibility of the testimony of Prejudiced Witnesses. The Crime was as heinous as this one and more so.

In the Frank Case, three matters have developed since the trial which did not come before the Jury, to-wit: The Carter notes, the testimony of Becker, indicating that the Death notes were written in the Basement, and the testimony of Dr. Harris, that he was under the impression that the hair on the lathe was not that

of Mary Phagan, and thus tending to show that the Crime was not committed on the floor of Frank's Office.

While made the subject of an Extraordinary Motion for a new trial, it is well known that it is almost a practical impossibility to have a verdict set aside by the Procedure.

Matter of Conscience.

The evidence might not have changed the verdict, but it might have caused the Jury to render a verdict with the recommendation to mercy.

In any event, the Performance of my duty under the Constitution is a matter of my conscience. The responsibility rests where the power is reposed. Judge Roan, with the awful sense of responsibility, which probably came over him as he thought of that Judge before whom he would shortly appear, calls to me from another world to request that I do that which he should have done. I can endure misconstruction, abuse and condemnation, but I cannot stand the constant Companionship of an Accusing Conscience, which would remind me in every thought that I, as Governor of Georgia, failed to do, what I thought to be Right. There is a Territory "beyond A REASONABLE DOUBT and absolute certainty," for which the Law provides in allowing life imprisonment instead of Execution. This Case has been marked by doubt. The trial Judge doubted. Two Judges of the Supreme Court of Georgia doubted. Two Judges of the Supreme Court of the United States doubted. One of the three Prison Commissioners doubted.

In my Judgment, by granting a Commutation in this Case, I am sustaining the Jury, the Judge, and the Appellate Tribunals, and at the same time am discharging that Duty which is placed on me by the Constitution of the State.

Acting, therefore, in accordance with what I believe to be my duty under the Circumstances of this Case, it is ORDERED, That the Sentence in the Case of Leo M. Frank is commuted from the Death Penalty to Imprisonment for life.

This 21st of June, 1915.

JOHN M. SLATON,

Governor.

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**HOW CONSTITUTION GOT STORY OF FRANK'S
DEPARTURE**

**WHEN GOVERNOR, SHERIFF AND OTHER
OFFICIALS COMBINED**

**TO KEEP COMMUTATION SECRET UNTIL
MONDAY AFTERNOON**

***Live Wire Reporters Have Exciting Night, But Win
Out Over All Obstacles***

Readers of yesterday morning's Constitution, who sat over their rolls and coffee and calmly perused the coldly Conservative type that conveyed the news of Leo Frank's Commutation, saw in the lines of the story only the usual Newspaper Routine of an important story served at the breakfast table in the unvaried manner that countless stories have been served since Journalism gained recognition as Civilization's most indispensable Institution.

But the exciting drama that underlaid the Frank story was, perhaps, as intense as the hurried flight of the famous Prisoner, spirited from jail under heavy Guard and carried upon a Journey that placed him just as the sun began to climb into the Eastern sky before the Portals of the Prison in which he is doomed to spend the remainder of his natural years.

The underlying story of the Frank Commutation was enacted by the Newspaper men who covered it for *The Constitution*, and, in spite of the elaborate and painstaking effort to keep the action secret from a waiting public, managed by wit, ingenuity, and hard labor to do their duty to the reading public whose interest they nightly serve.

THE NEWSPAPER DRAMA.

The Newspaper drama was enacted in the dead hours of the night. The main center of activity was the County Jail, from which the Prisoner had been spirited through a Subterranean Passage almost beneath the very noses of the Newspaper men who had, since nightfall, kept expectant vigil.

But there were other points of interest to the enactment, one of which was the home of Governor John M. Slaton.

Despite the Fact that Governor Slaton last Friday had made the announcement that he would not deliver his Decision until either Monday or Tuesday, vague, though persistent, rumors prevailed that Frank would be slipped from the Jail and carried to Milledgeville before the time set for the Execution's verdict.

It was reiterated Sunday afternoon that no Decision would be forthcoming until Monday, at least—possibly not until Tuesday morning. This ran through the earlier Editions.

A confidential tip, however, arose from one of the innumerable Secret Sources that are perpetually cultivated by the Modern Newspaper that Frank's Sentence had been commuted, and that he would be stolen from the Tower and rushed in an automobile at midnight. The trained Newspaper man never overlooks the barest possibility—takes no chances.

FRANK CHATTING WITH VISITORS.

A vigil was instituted at the Tower. The Reporter in charge of the story went at 9 o'Clock into the interior of the jail to see for himself if Frank was there. The Prisoner, in a nervous mood, sat chatting with a dozen visitors. A Squad of Deputies loafed around the Outer Corridor of the Prison. This, however, was no positive evidence of a proposed Journey with a Prisoner, as augmented Jail Staffs had been frequent, during the past weeks.

At 10 o'Clock, the Deputies began to thin out, strolling leisurely away, bidding chummy good-nights. At 10:30, an effort was made to get in touch with Governor Slaton. The butler announced the Governor would not return until 11 o'Clock. Repeated attempts following that time to get the home of the Governor on the phone proved to no avail. Twice, the Operator declared that the Receiver had been removed, from the hook, and was useless to ring any longer.

From 11 o'Clock, the atmosphere around the Jail was surcharged with an element of foreboding. It is the newspaper

man's "hunch," on which he often relies to gain startling success. Strang whisperings among the remaining Deputies, and a conversation between Sheriff Mangum and a short, thick-set man, nearly attired and wearing a natty straw hat (Afterwards found to be Transfer Guard Patterson), excited a growing suspicion that something was not only coming off, but was due soon.

At 11 o'Clock the man assigned by *The Constitution* to the Jail was reenforced by three additional Reporters. They had barely reached the Prison than the two Oaken Doors leading to the interior of the Prison were suddenly closed for the first time in the recollection of any of the Reporters familiar with the jail "run."

WIRES TO JAIL DISCONNECTED.

The suspicions of the Newspaper men crystallized into definite conclusion. Frank was being removed from the Tower!

But how?

The only entrances were the side way and the Front Door! At least these were all known to the public of the Reporters.

An effort was made to telephone *The Constitution* Office to send a man the short distance to the Terminal Station. It was futile! The wires to Jail had been disconnected.

The telephones, in accordance with the elaborate System of secrecy, had been put out of Commission for the time being.

The Jail Keeper and his assistant, with the remaining Deputies, maintained attitudes of commendable calm; they knew nothing! Soul-stirring entreaties would not urge them to permit a

Reporter in the interior of the Jail in violation of the Rule that prohibits visitors after 10 o’Clock. The same rule applied to information.

At 11:35 o’Clock a High-Powered automobile, brass glistening beneath the Street Lamp, and evincing preparedness for a journey, pulsed slowly up the opposite side of the Street, rolled idly past the Jail and stopped in the enveloping shadows near-by. A suit-case sat conspicuously in the tonneau. Two men were in the front seat. This ruse decoyed the attention of the Reporters.

Was it true that the tip, in all respects, was authentic, and that Frank was waiting behind the Oaken Doors for a dash to the Waiting Machine and thence to Milledgeville? A Taxi-Cab was brought to the Jail, and engines kept running in readiness for a dash in pursuit.

HOW SHERIFF ELUDED NEWSPAPER MEN.

A Reporter sent to reconnoiter the adjoining premises encountered a Night Watchman of an adjacent Building. He had seen a group of men, headed by Sheriff Mangum, emerge from one of the network of alleyways in the rear of the Jail, run to a waiting automobile and hurry away up East Hunter Street in vicinity of the Terminal Station.

A Reporter was hastened to the Terminal Station. He arrived in time to find a number of Station Officials who had seen a man resembling rank board the Central of Georgia Train for Macon. A Policeman was positive it was Frank. He recognized a number of the Deputies who escorted the Prisoner to the Terminal.

The *Constitution* men were sure that Frank was En Route to the State Prison, but there was no authentic confirmation of it.

Substantiation, at all costs, must be had. Time was fleeing and the hour of going to press approached with inexorable rapidity. One Reporter was sent between midnight and 1 o'Clock to scour the vicinity of the Terminal Station, another to Police Headquarters, one was left at the Jail and a fourth was dispatched to the home of Judge R.E. Patterson, Chairman of the Prison Board, who, when reached, stated he knew nothing of the Commutation, and that he suspected Frank was sleeping soundly in the Tower.

EVEN MRS. FRANK DID NOT KNOW.

All the members of the Prisoner's Counsel were asked. None of them knew of the Governor's action. Even Mrs. Frank, the Prisoner's wire, did not know that Frank had gone. Never in the history of Georgia's Prison System had such a Perfect System of secrecy been thrown around an action.

That *The Constitution* penetrated it and served it at your Breakfast Table at exactly the time you have been Furnished News for the past forty-seven historical years is an Epoch that will glow brilliantly in Southern Journalistic Annals.

While the others scurried to varied Sources the Reporter in charge of the story sped in a taxicab to the Country home of the Governor on Peachtree Road, at Buckhead. The trip was made in less than 15 minutes. The home was reached at 1:15 o'Clock. The Taxi-Cab rolled up the curving roadway to the very Edge of the Building, its bright lights illuminating the attractive home.

For fifteen minutes the Reporter and a Companion rang doorbells, knocked upon the woodwork and sought in varied other fashions to arouse recognition from the Governor. When this proved unavailing the harsh-sounding Klaxon horn on the Taxi was resorted to. Its loud noise penetrated the very depths of the surrounding Woodland, from which it returned resonant echoes. Still no response came from within.

The Taxi was rolled to the Rear of the Building, so that its lights might reveal the figures of the Reporter and his Companion, thereby eliminating danger of being accidentally shot for burglars, although there was little of this peril, due to the Fact that the modern burglar works along more noiseless lines than those pursued by the Newspaper man.

BUTLER FINALLY AROUSSED.

Creating an Alarm with their Voices, the two men eventually succeeded in arousing the Butler, who lives in the rear of the Home. His response revealed the Fact that there were occupants within. Less than a moment later the lights were switched on in an Upper Veranda, and the large form of the Governor, clad in Pajamas and holding a rifle in his hands, was disclosed.

"I am a Reporter for *The Constitution*; Leo Frank is supposed to be on his way to Milledgeville. Will you please tell whether or not he has been commuted?"

"I will not speak to you," replied the Governor from his lofty position, his voice echoing back from the depths of the Woodland Valley, and showing an unmistakable resentment of the midnight intrusion."

“But the public wants to know—the entire nation wants to know. Will you please answer ‘Yes’ or ‘No!’”

“I repeat I will not speak to you,” he rejoined.

“But I am sent to find whether or not you have given your verdict. I hate to obtrude at this hour, but there is no Alternative, on account of the Fact that it is a Midnight Development.”

“Insist all you please—I will not speak to you.”

“But, Governor, if Frank is now safely on his way to Milledgeville—surely no harm can be done by disclosing your action at this time!”

The entreating voice of the Newspaper man, bathed in the light of the Taxi’s Lamps on the graveled surface of the Roadway, went up to meet the irate tone of the Governor upon the elevated veranda.

“Am I to take it,” he continued, “by your refusal to talk, that you have acted?”

“You can take nothing for granted—I will not speak to you,” came from the Governor, who withdrew, thus ending the Conversation.

NIGHT WATCHMAN

SAW FRANK.

Nearby the Jail, to which he returned, he discovered a Night Watchman who had positively seen Frank, would have sworn it was Frank. This and a great deal of other evidence had dissolved the secrecy of the flight. By the time the paper had started to press, *The Constitution’s* Macon Correspondent, who had, by

Telephone, been put upon the scent, flashed the *Telegraph* Editor that Frank stopped there and had taken an Auto for Milledgeville.

Newsboys were summoned and within but little more time than it takes to tell, the story of Frank's Journey was being rumbled off by the Giant Hoes in the Basement.

The squad of Reporters, assembled upstairs, mobbed beady brows and commented interestingly over the night's incidents.

It was all in a night's work.
